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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Elmo Marcus Attila Diederiks

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BRIARCLIFF MANOR, NY 10510

EXAMINER

VU, JIMMY T

ART UNIT

PAPER NUMBER

2821

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,294	Applicant(s) DIEDERIKS, ELMO MARCUS ATTILA	
	Examiner JIMMY T. VU	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,10-14,16-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,10-14,16-19,21-23,26 and 29 is/are rejected.
- 7) ☒ Claim(s) 24,25,27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/23/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 10/23/2008 have been fully considered but they are not persuasive.

Applicant argues:

a) Gutta and Loughrey fail to teach or suggest an activity detector for detecting a kind of activity performed by the at least one person and the intensity of the activity based on a connection to an appliance, wherein the connection is configured to provide information about the kind of activity and the intensity of the activity.

b) Gutta and Loughrey fail to teach or suggest an action which is based on the positions and activities of more than one person.

Examiner disagrees:

a) Gutta discloses activity detector (audio/video capture device 150, Fig. 1) for detecting a kind of activity (reading/sitting/bring in mail, Fig. 2) performed by the at least one person within the area based on a connection to an appliance (connection between reading newspaper and sit on couch, Fig. 2), wherein the connection is configured to provide information about the kind of activity.

Gutta does not teach detecting of an intensity of activity. However, this limitation is not of the patentable merits since many activities would create the intensity (i.e. turning the page of newspapers, sit up or down on the couch, etc). Therefore, it would

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have been obvious to one having skill in the art to provide the device of Gutta with the detecting of an intensity of activity in order to control/adjust the brightness the lighting system.

b) Gutta discloses more than one person (John Smith and Jane Smith, Fig. 2) and all the activities of those persons (Fig. 2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-7, 10-14, 16-19, 21 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta (U.S. Patent 6,724,159 B2).

As to claims 1 and 7, Gutta discloses a system (100, Fig. 1) and method for controlling a light source (160, Fig. 1) within an area (140, Fig. 1), the system comprising:

location detector (audio/video capture device 150, Fig. 1) for detecting a position of at least one person (i.e. John Smith, refer to Fig. 2) within an area (140);

activity detector (audio/video capture device 150, Fig. 1) for detecting a kind of activity (reading/sitting/bring in mail, Fig. 2) performed by the at least one person within the area based on a connection to an appliance (connection between reading

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newspaper and sit on couch, Fig. 2), wherein the connection is configured to provide information about the kind of activity;

lighting controller (lighting controller, Fig. 1) for controlling the light source (160, Fig. 1) within the area in response to the detected position of the at least one person and the kind of activity (reading newspaper and sit on couch, Fig. 2).

Gutta does not teach detecting of an intensity of activity. However, this limitation is not of the patentable merits since many activities would create the intensity (i.e. turning the page of newspapers, sit up or down on the couch, etc). Therefore, it would have been obvious to one having skill in the art to provide the device of Gutta with the detecting of an intensity of activity in order to control/adjust the brightness the lighting system.

As to claim 4, Gutta discloses the system further comprising a noise detector (audio/video capture device 150, Fig. 1, Gutta) for detecting noise [device 150 detect audio signal, Fig. 1, Gutta] within the area, wherein the lighting controller is configured to control the light source within the area in response to the detected noise (Fig. 1, col. 2, lines 27-30, Gutta).

As to claim 5, Gutta discloses the system further comprising a motion detector (audio/video capture device 150, Fig. 1, Gutta) for detecting motion of the person within the area and the lighting controller is configured to control the light source within the area in response to the detected motion (Fig. 1, Gutta).

As to claim 6, Gutta discloses the system further comprising a preference system (audio/video capture device 150, Fig. 1, Gutta) [device 150 including user profile(s) 200

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as a preference device, Figs. 1 and 2, Gutta] for determining a preference of a person [i.e. profile of John Smith, as in Gutta] and the lighting controller is configured to control the light source within the area in response to the preference of the at least one person (Fig. 2, Gutta).

As to claim 10, Gutta discloses the system wherein the activity detector is configured to detect at least one kind of activity from a person reading a book (the same as reading newspaper, Fig .2).

As to claim 11, Gutta discloses the system wherein the lighting controller (lighting controller) is configured to control multiple light sources (col. 2, lines 35-37, Gutta) within the area (140) in response to the detected at least one person and the kind of activity (reading/sitting) performed by the at least one person within the area (Fig. 2, Gutta) (rejection of intensity of the activity is described above as in claim 1).

As to claim 12, Gutta discloses the system wherein the location detector (video device 150) is configured to detect the position of the at least one person based upon an analysis of video images of the area (Figs. 1 and 3, Gutta).

As to claim 13, Gutta discloses the system wherein the activity detector (video device 150, Gutta) is configured to detect the kind of activity performed by the at least one person based upon an analysis of video images of the area (Figs. 1 and 3, Gutta).

As to claim 14, Gutta discloses the system wherein the light source (160, Fig. 1) obviously comprises a first light unit; wherein the location detector (150) is configured to detect a position of at least a second person (i.e. Jane Smith, Fig. 2, Gutta) in the area, and the lighting controller is configured to control the first light unit (within light source

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160) in response to the positions of the at least one person and the at least second person [device 150 would detect the location of more than one person (John Smith and Jane Smith) and send the signal to user profile(s) 200, then lighting controller control the light source 160, Figs. 1 and 2, Gutta].

As to claim 16, Gutta discloses the method further comprising:

detecting an audio signal within the area [any audio signal would be detected by audio device 150, Fig. 1, Gutta];

and controlling the light source (160) within the area in response to the detected audio signal [by lighting controller, Fig. 1, Gutta].

As to claim 17, Gutta discloses the method wherein the audio signal is a human voice [it is inherently that the audio device 150 detect the audio signal including a human voice, Fig. 1, Gutta].

As to claim 18, Gutta discloses the method further comprising: analyzing received video images of the at least one person [by user event monitoring process 300, Figs. 1 and 3, Gutta]; and detecting the kind of activity performed by the at least one person within the area based at least in part upon the analysis [by user event monitoring process 300, Figs. 1 and 3, Gutta].

As to claim 19, Gutta discloses the method, wherein the light source (160, Fig. 1) obviously comprises a first light unit; and further comprising: detecting a position of a second person within the area (i.e. Jane Smith, Fig. 2); and controlling the first light unit (within light source 160) in response to the positions of the at least one person and the second person [device 150 would detect the location of more than one person (John

Smith and Jane Smith) and send the signal to user profile(s) 200, then lighting controller (in Fig. 1, Gutta) control the light source 160, Figs. 1 and 2, Gutta].

As to claim 21, Gutta discloses the system further comprising computer-readable software code for determining the activity and the intensity thereof from the connection the appliance (Fig. 2).

4. Claims 22, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta (U.S. Patent 6,724,159 B2) in view of Loughrey (U.S. Patent 6,960,892 B2).

As to claims 22 and 26, Gutta discloses all of the limitation as claimed except a date and time system for determining a date and a time and the lighting control means is configured to control the light source within the area in response to the determined date and time. However, as evidenced by Loughrey, providing a dating means (time and date-based control devices, col. 6, lines 45-47)/(control 810 for providing time of day control, Fig. 8, col. 10, lines 16-19) is well known in the art. Therefore, it would have been obvious to one having skill in the art at the time of the invention was made to employ the light fixture of Gutta with the time and date-based control device(s) as taught by Loughrey in order to control the power to the light source for illuminating in an area.

As to claim 23, Gutta/Loughrey discloses the system wherein the location detector comprises at least one of a sensor (Abstract of Loughrey).

Allowable Subject Matter

5. Claims 24, 25, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art teaches or fairly suggests "detecting the kind of activity and the intensity of the activity from information provided from connection to at least one of the following: a computer, a radio, a telephone, a kitchen appliance, a computer, a television, and a movie display device" (claims 24, 25, 27 and 28).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Owens can be reached on (571) 272-1662. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

January 05, 2009

/Douglas W Owens/
Supervisory Patent Examiner, Art Unit 2821
January 5, 2009